United Nations S/AC.49/2006/32

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 28 November 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Italy to the United Nations presents its compliments to the Chairman of the Committee and has the pleasure to forward Italy's report on steps taken with a view to implementing effectively the provisions set forth in paragraph 8 of Security Council resolution 1718 (2006) (see annex).

06-64893 (E) 271206

Annex to the note verbale dated 28 November 2006 from the Permanent Mission of Italy to the United Nations addressed to the Chairman of the Committee

Report by Italy

Italy has the honour to communicate the following information concerning the implementation of the United Nations sanctions against the Democratic People's Republic of Korea (DPRK) set in paragraph 8 of the United Nations Security Council Resolution (UNSCR) 1718 of 14 October 2006.

1. Regarding the implementation of the UNSCR 1718 **restrictions on the sale of arms** to the DPRK, the Italian government would like to inform that the export of weapons of any kind and defence material is regulated in Italy by law 185/90. This law, in addition to providing for the strict implementation of arms embargo decided by the UN or the EU, prescribes very stringent criteria for the granting of an export license. Threat to peace and to regional stability and the compliance to human rights are among the two most important factors always present in Italy's assessments. Exports licenses will therefore not be issued to countries in violation of UNSCR 1718.

   Furthermore, Italy's policy always takes into consideration the political commitments stemming from the European Union Code of Conduct that also sets stringent rules, by which all member countries must abide by when deciding whether or not to authorize an export license.

2. Concerning the control of **dual-use items**, Italy has introduced the EU Regulation 1334/2000 by decree law 96/2003 which describes the national administration of the Regulation. According to this legal basis and the control list (EU Regulation 394/2006) Italy controls the export of dual-use items listed by the various control regimes. In the case of the products listed in UNSRC 1718, Paragraph 8, (a), (ii), applications for export license will not be approved. Utmost vigilance will be applied concerning applications for export license concerning other listed products. Always according to the above-mentioned decree law, **technical assistance** concerning dual-use items is prohibited when it is related to WMD.

3. Italy will implement the restrictions on admission of **persons, entities and bodies** as soon as the UN list will be drawn up. Meanwhile Italy keeps on listing North Korea as a country whose nationals must be in possession of visas when crossing external EU borders as in EC Regulation 539/2001

4. With regard to **Paragraph 8(f) calling on cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials**, Italy recalls that it actively participates in the Proliferation Security Iniziative (PSI) since its launching in May 2003. PSI is aimed at helping prevention and interdiction of illegal procurement and trafficking activities in WMDs and related materials, including their means of delivery. Within this framework Italy regularly takes part in air, ground and sea interdiction exercises. Italy ha implemented UNSCR 1540 and has provided the 1540 Committee with two Reports concerning relevant national legislation

5. Concerning the **restrictive measures concerning sensitive goods and technology, luxury goods and the freezing of funds and economic resources** Italy, as a Member State of the European Union, has been actively participating in the preparation of the European Union's legal instruments (a Common Position and a Regulation). Italy would like therefore to refer to the recent European Union Council common position adopted on 20 November 2006 concerning the restrictive measures adopted against the DPRK. The text includes all the provisions listed in Resolution 1718. An EU Regulation concerning restrictive measures against DPRK with a view to implementing the provisions of resolution 1718 is still under discussion. As soon as the Regulation will be adopted it will be binding in its entirety and directly applicable in Italy.

   In particular, with regard to the **embargo on luxury goods**, Italy is in favour of the establishment, through the Committee created by the Resolution 1718, of directives fixing the list of products concerned by the embargo. In the meantime, the Italian authorities have started consultations with other member States of the European Union and the European Commission, with the intent to draw up a list of articles that could be subjected to this embargo.

   And with reference to the **freezing of funds and economic resources**, a Council Regulation will soon be adopted so as to constitute a legal basis directly applicable when proceeding to the freezing of financial assets of persons and entities designated by the aforementioned Committee or the Security Council.